THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

On Friday, the ninteenth day of August,

two thousand and five.

W.P.No.3174 of 1996

S.Nageswararao, (died) s/o late Seshayya,

aged 50 years, r/o Madhavaram,Tadepalligudem

Taluk, West Godavari District and 2 others.

------Petitioners.

And:

The Executive Engineer, A.P.Housing Board,

Tadepalligudem, West Godavari District and another.

----Respondents.

O R D E R:

Since the 1st petitioner who was allotted MIG type of the house constructed by the Andhra Pradesh Housing Board on hire purchase basis failed to pay the installments, the competent authority had on 5.12.1992 ordered his eviction and took-over possession of the house on 28.12.1992. When the said house was notified for fresh auction, 1st petitioner filed this writ petition seeking a direction to the respondents, who are the Executive Engineer and the Vice-chairman of the Andhra Pradesh Housing Board, Hyderabad, not to re-auction and to permit him to pay the amount due and payable by him in installments.

Subsequent to filing of the writ petition 1st petitioner died and so his wife and son have come on record as his legal representatives.

Heard the learned counsel for the petitioners and the learned standing counsel for respondents.

Since the deceased 1st petitioner committed default in payment of instalments and since possession also was taken over by the respondents, relief sought for by the petitioners cannot be granted by this Court. However, petitioners are at liberty to make a representation to the respondents to re-allot the house earlier allotted to the 1st petitioner to them on such terms and conditions as they may deem fit. If the terms and conditions imposed by the respondents are agreeable to the petitioners, they may accept those conditions. If not respondents are at liberty to proceed with the fresh auction. The representation of the petitioners should reach the respondents within a period of one month from today. That representation should be considered by the respondents and they should dispose of that representation within a period of one month from the date of receipt of that representation.

The Writ Petition is disposed of accordingly. No order as to costs.

JUSTICE C.Y.SOMAYAJULU

19th August 2005.

BCS